

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**DARREL SAXTON, on behalf
of himself and all others similarly
situated**

PLAINTIFF

V.

NO. 4:24-CV-89-DMB-DAS

DELTA HEALTH SYSTEM

DEFENDANT

ORDER

On March 7, 2025, United States Magistrate Judge David A. Sanders issued a report (“R&R”) recommending this case be dismissed without prejudice. Doc. #5. The R&R warned that “[o]bjections ... must be filed within 14 days” and “[f]ailure to timely file objections to the proposed findings and recommendations [in the R&R] will bar an aggrieved party from challenging on appeal both the proposed factual findings and the proposed legal conclusions that are accepted by the district court.” *Id.* at PageID 43–44 (citation omitted). No objection to the R&R was filed.

Under 28 U.S.C. § 636(b)(1)(C), “[a] judge of the court shall make a de novo determination of those portions of the report ... to which objection is made.” “[P]lain error review applies where, as here, a party did not object to a magistrate judge’s findings of fact, conclusions of law, or recommendation to the district court despite being served with notice of the consequences of failing to object.” *Ortiz v. City of San Antonio Fire Dep’t*, 806 F.3d 822, 825 (5th Cir. 2015) (cleaned up). “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)).

Because the Court reviewed the R&R for plain error and concludes that the R&R is neither

clearly erroneous nor contrary to law, the R&R [5] is **ADOPTED** as the order of the Court. This case is **DISMISSED without prejudice**.

SO ORDERED, this 7th day of April, 2025.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE